

**IN THE UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF IOWA  
CENTRAL DIVISION**

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<b>IN RE:</b>	)	
	)	<b>Case No. : 12-02863-lmj11</b>
<b>MARK KIMBLE</b>	)	
	)	
	)	
	)	<b>MOTION TO COMPEL ORDER</b>
	)	<b>DIRECTING CLAIMANT TO APPEAR FOR</b>
	)	<b>EXAMINATION AND FOR PRODUCTION</b>
	)	<b>OF DOCUMENTS</b>
<b>Debtor</b>	)	
	)	
	)	

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COMES NOW the Debtor, Mark Kimble, by and through his attorney, and hereby moves the Court to enter an Order Compelling J.P. Morgan Chase Bank (hereinafter "Chase") to designate an officer, agent, or other person to appear for examination with respect to its claim in this matter, and to produce the documents requested in the Debtor's Motion. In support of this motion, Debtor states as follows:

1. On January 23, 2013 the Court granted Debtor's Motion for Examination Pursuant to Federal Rule of Bankruptcy Procedure 2004. To date, neither Chase nor its attorney, Petosa Petosa & Boecker, LLP has produced the requested documents or otherwise complied with the Court's Order.
2. After finally accepting Debtor's payment of \$4077.00, representing his monthly mortgage payments for October through February because they had continued to reject payment, Chase again returned Debtor's March payment sent to the same address to which he had sent the prior payment that they had accepted. Upon information and belief Debtor also states that Chase is charging for late fees on monthly payments that they continue to reject.

3. Debtor has made a good faith but unsuccessful effort to make all post petition mortgage payments due Chase. Chase has provided inconsistent information regarding these post petition payments, has refused to accept payments, and has refused to obey the Court's Order to provide information about its purported claim in this matter.

WHEREFORE, the Debtor respectfully requests the Court to order Chase to produce the documents requested in the Debtor's 2004 Motion; to order Chase to designate an officer to appear for a 2004 examination; to order Chase to pay forthwith the expenses of this motion to compel, including reasonable attorney fees; and for such other relief as the Court deems just and equitable.

Date: March 26, 2013

/s/Nancy L. Thompson  
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ATTORNEY FOR DEBTOR

#### **CERTIFICATE OF SERVICE**

By signing below, the attorney certifies that on March 26, 2013 the above Motion to Compel was filed electronically in the United States Bankruptcy Court for the Southern District of Iowa with parties to receive notice either electronically or by U.S. Mail.

/s/Nancy L. Thompson  
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